



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/067,950

02/08/2002

Toru Kambayashi

219406US2SRD

6644

22850

7590

07/21/2006

C. IRVIN MCCLELLAND

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

1940 DUKE STREET

ALEXANDRIA, VA 22314

EXAMINER

NALVEN, ANDREW L

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,950

Applicant(s)

KAMBAYASHI, TORU

Examiner

Andrew L. Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) 5-8, 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/26/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4 and 9-10 are pending.

Response to Arguments

2. Applicant's arguments filed 3 May 2006 have been fully considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimbo et al US Patent No. 6,185,680 in view of IBM Technical Disclosure Bulletin NN8507603 (published July 1, 1985 and hereafter "IBMTDB").
5. With regards to claims 1 and 9, Shimbo teaches a device key matrix storage unit configured to store a device key matrix in which device keys are arranged in a two-dimensional manner (Shimbo, column 21 lines 1-10, Figure 6), a device key selecting

Art Unit: 2134

unit configured to select device keys according to a device ID, each device key being selected from device keys in each one dimensional array of the device key matrix according to each numeral of a device ID (Shimbo, column 21 lines 35-43), and a device information generating unit configured to generate a device information based on the selected device keys and the device ID (Shimbo, column 21 lines 11-15). Shimbo fails to teach the numerals indicating a position of a device key in each one dimensional array of the device key matrix and indicates a path in a plurality of trees that are formed of all possible combinations of device keys in the device key matrix. However, the IBMTDB teaches numerals indicating a position of a device key in each one dimensional array of the device key matrix and indicates a path in a plurality of trees that are formed of all possible combinations of device keys in the device key matrix (IBMTDB, Figure 1 and page 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize IBMTDB's method of key selection because it offers the advantage of reduced computational complexity because by removing the need for sorting algorithms (IBMTDB, page 1).

6. With regards to claims 2 and 10, Shimbo as modified teaches the device key-generating unit selecting a device key from the device keys in each row of the device key matrix according to each numeral of the device ID (Shimbo, column 22 lines 4-15).

7. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimbo et al US Patent No. 6,185,680 and IBM Technical Disclosure Bulletin

Art Unit: 2134

NN8507603, as applied to claim 1 above, and in further view of Bleichenbacher et al US Patent No. 6,753,313.

8. With regards to claim 3, Shimbo as modified fails to teach calculating a path function value based on the selected device key, the path function indicating a path of the device ID in a tree formed of all possible combinations of the numerals forming the device ID. Bleichenbacher teaches calculating a path function value based on the selected device key, the path function indicating a path of the device ID in a tree formed of all possible combinations of the numerals forming the device ID (Bleichenbacher, column 6 lines 20-48). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Bleichenbacher's path function method with Shimbo's key management system because it offers the advantage of allowing derivation of an encryption key from only a program identifier thus reducing the required size of a program header (Bleichenbacher, column 2 lines 44-57).

9. With regards to claim 4, Shimbo as modified teaches the selecting of a device key from the device keys in each row of the device key matrix according to each numeral of the device ID (Shimbo, column 22 lines 4-15).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2134

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571 272 6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven




JACQUES LOUIS JACQUES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100